

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LISA M KRZMARZICK,

Plaintiff,

V.

NANCY A. BERRYHILL, Deputy
Commissioner of Social Security for
Operations,

Defendant.

CASE NO. 3:17-cv-05343-JRC

ORDER ON STIPULATED
MOTION FOR EQUAL ACCESS
TO JUSTICE ACT FEES,
EXPENSES AND COSTS

This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local Magistrate Judge Rule MJR 13 (*see also* Notice of Initial Assignment to a U.S. Magistrate Judge and Consent Form, Dkt. 3; Consent to Proceed Before a United States Magistrate Judge, Dkt. 6). This matter is before the Court on plaintiff's Stipulated Motion for Equal Access to Justice Act Fees and Expenses (*see* Dkt. 19).

Based on the Equal Access to Justice Act, 28 U.S.C. § 2412, (“EAJA”), the Stipulation of the parties (*see* Dkt. 19), the attorney declaration and time and expense itemizations (Dkt. 19, Attachments 2, 3, 4), and the relevant record, it is hereby ORDERED that EAJA attorney’s fees

1 of \$7,418.98 (which is for work performed by Jeffrey Baird in the amount of \$6,336.63 plus
2 work performed by Elie Halpern in the amount of \$1,082.35) and expenses in the amount of
3 \$2.85, shall be awarded to plaintiff pursuant to the EAJA and consistent with *Astrue v. Ratliff*,
4 130 S.Ct. 2521, 2524, 2010 U.S. LEXIS 4763 at ***6-***7 (2010).

5 It is further ORDERED that costs in the amount of \$434.60 shall be awarded to plaintiff
6 pursuant to 28 U.S.C. § 1920.

7 The Acting Commissioner shall contact the Department of Treasury after the Order for
8 EAJA fees, expenses and costs is entered to determine if the EAJA fees, expenses and costs are
9 subject to any offset. If it is determined that plaintiff's EAJA fees, expenses and costs are not
10 subject to any offset allowed pursuant to the Department of the Treasury's Offset Program, then
11 the check for EAJA fees, expenses and costs shall be made payable to Elie Halpern, Esq., based
12 on plaintiff's assignment of these amounts to plaintiff's attorney (see Plaintiff's Declaration
13 Regarding Net Worth and Payment of EAJA Fees, Dkt. 8; Federal Court Retainer Agreement,
14 Dkt. 19, Attachment 5). If there is an offset, the remainder shall be made payable to plaintiff,
15 based on the practice of the Department of the Treasury (see, e.g., Case No. 2:15-cv-122, Dkt.
16 22, p. 4). Any check for EAJA fees, expenses and costs shall be mailed to plaintiff's counsel,
17 Elie Halpern, Esq., at Halpern Olivares PLLC, 2102 Carriage Drive SW, Building E102,
18 Olympia, WA 98502.

19 Dated this 13th day of April, 2018.

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22 J. Richard Creatura
23 United States Magistrate Judge
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